

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, NOVEMBER 5, 2012**

COUNCIL PRESIDENT GAMBER B I'd like to welcome all of you to Massillon City Council for Monday, November 5, 2012. We have a number of city officials with us this evening Mayor Catazaro-Perry, Safety Service Director Maier, Auditor Ferrero, Debbie Bonk from the auditor's office, Building Superintendent Kraft, Law Director Stergios and Engineer Dylewski. Also under item #5 on the agenda is where the public can speak on any item that appears on the agenda and then under item #17 is where the public can speak on any item that does not appear on the agenda. I'd also like to remind anyone with a cell phone please turn it off or turn it very far down.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Milan Chovan, Sarita Cunningham-Hedderly, Nancy Halter, Ed Lewis, Paul Manson, Donnie Peters, Andrea Scassa, Larry Slagle and Tony Townsend.

Thus giving a roll call vote of 9 present.

2. INVOCATION

COUNCILMAN SLAGLE – Gave the invocation.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN SLAGLE – Chairman of the Parks and Recreation Committee led those in attendance in the Pledge of Allegiance.

4. READING OF THE JOURNAL

COUNCIL PRESIDENT GAMBER - Madame Clerk, are the minutes of the previous meeting transcribed and open for public viewing? (Yes, they are) Are there any additions or corrections to the minutes? If not the minutes stand approved as written.

5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT GAMBER – I would like to recognize President Pro Tem Donnie Peters, we have a couple of housekeeping items to amend our agenda this evening. Mr. Peters?

COUNCILMAN PETERS – Thank you, Mr. President. I'd like to make a motion to amend the agenda tonight and add Ordinance No. 121 – 2012 that is the police contract and Ordinance No. 122 – 2012 these are for these are transfers it's a transfer ordinance that was left off the agenda just by mistake. I'll need a seconded.

COUNCIL PRESIDENT GAMBER – Is there a second to that motion? Seconded by Councilman Chovan. Is there any discussion? Alright, this motion will also temporarily waive the rule regarding the time period when items are supposed to be submitted. Madame Clerk, would you please call the role?

The agenda was amended by a roll call vote of 9 yes.

COUNCIL PRESIDENT GAMBER – Thank you, those items have been included. Would you please read the title to Ordinance No. 108?

ORDINANCE NO. 108 - 2012

BY: ENVIRONMENTAL COMMITTEE

Amending Ordinance No. 105 – 2012 to authorize the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an amended agreement with Kimble Recycling & Disposal, Inc., for the company to handle the billing process for the solid waste and recycling services for the City of Massillon, and declaring an emergency.

COUNCILMAN LEWIS – Yes, I'd like to call up Safety Service Director Maier. I just wanted to give you an opportunity to bring us up to speed with what this exactly entailing.

SAFETY SERVICE DIRECTOR MAIER – Well, the original bid packet for the vendors that went out did not have a billing component in it. Once the bid packets come in and were awarded or prior to be awarded there were some discussion whether or not the city should continue to do billing? And the successful bidder Kimble's had no issues whether the city did do the billing or didn't do the billing. For the city to do the billing we were going to do an administration fee for of \$1.00 per month per bill. That was going to basically cover the expenses for the city. Since that time you know by the way that was going to again that was just barely enough to cover the expenses we had anticipated that there would be more customers in the long run and that would improve. Since that time both through the competition and through doing some additional discussion with the law director the city that was not put on the original ordinance as you all know that was passed two weeks ago. So there was going to put it back on with some discussion with the successful bidder and everybody thought like there was no real reason to put that back on. Honestly it gives the bidder an opportunity to be more competitive in our community because they obviously will charge a dollar per customer less per month. In addition to that you know there are some question not question but some concerns maybe from some of the legal folks that maybe by having that billing component that we were still in the business and it could be splitting hairs. So thought it was the best direction to go after consulting with Mr. Stergios and the folks that handle our contracts, our bargaining agreement contracts that to pass on the billing and just let the vendor do the billing as originally bid in the bid spec.

COUNCILMAN LEWIS – I can say that originally I was of the opinion that I didn't really want to get into the billing aspect of this. However and in some meetings that's how it was being presented so we went forward with it and however at the council meeting a couple of weeks ago it was dropped and I'm glad it was dropped cause now it gave us the opportunity to look over this one piece and see what was best for the city. I tend to agree that by the city being involved with it all we're effectively doing in this case is adding a dollar to the customer when we could really be saving citizens even more money. However, I also am sensitive to the fact that many of you council members have not even had a chance to look over this yet. This is probably the first time you've seen this. So I don't want to just take charge and try to rush anything. I guess what is the feeling of my fellow council members do we want to make a motion and rid ourselves of this tonight and make a vote or would you guys like to take this to a work session and let a discussion occur. I kind of what to hear from some members of council before we move forward I guess.

COUNCIL PRESIDENT GAMBER – Are there any comments or questions by anyone? Mr. Manson?

COUNCILMAN MANSON – Yeah, yes Mr. President. I was one of the ones that I felt that this whole process was being rushed and we were taking the time to look at it appropriately. I don't this is a big change for me I mean this billing and us having at least \$60,000 of revenue

starting out coming in was part of my consideration when I made my vote on this. Another part that I would like to see in this ordinance that states that at the end of the five years that if Kimble is not the low bidder the next time this goes out to bid that they will be required to give the City of Massillon back the list of the routes. So I think that needs to be part of this ordinance.

COUNCIL PRESIDENT GAMBER – Is there anyone else? Mr. Slagle?

COUNCILMAN SLAGLE – I intend to agree with Paul obviously I thought we hadn't given this enough consideration and voted on by waiving the rules at the last meeting. Unfortunately I won't be present at the next work session so to me its not that its critical because I can't be there anyway. But I think the way we avoid these is by giving proper three readings to major pieces of legislation that have major impact on the city that probably have far many more issues involved in them than what we had known when we first got them. The other thing I've never actually seen the bid packages is that available for anyone to see?

SAFETY SERVICE DIRECTOR MAIER – The bid packet? (Yes) I thought that was emailed to everybody.

COUNCILMAN SLAGLE – No, the quotes was emailed to everyone but I don't the actual package based upon what those quotes were given to us was ever given to any of us.

SAFETY SERVICE DIRECTOR MAIER – I think they were. I know the environmental committee got it and they were asked to share it so...

COUNCILMAN SLAGLE – Well, I did not.

SAFETY SERVICE DIRECTOR MAIER – Okay.

COUNCILMAN SLAGLE – Can I, I asked Mary Beth for it and I never did see it so and she said she hadn't received it. That's all I know.

SAFETY SERVICE DIRECTOR MAIER – I think its important to point out that if you look at the contract or the ordinance that was passed two weeks ago it said in there that the city is going to the billing and charge an administration fee. However, there was no administration fee attached to that. There was originally in the legislation for whatever reason that didn't make it to the original legislation and so here we are today. But you know hind sights 20/20 obviously we think maybe this is a better direction to go for everybody including the successful bidder. An answer to Mr. Manson's question about the list you know that's a legal question that Mr. Stergios might have to answer. But I can tell you that there isn't there a automatic renewal in five years we can renew this at five year up to ten, right? Okay, I couldn't remember for sure but I thought that's what it was.

COUNCIL PRESIDENT GAMBER – Mr. Slagle, are you finished?

COUNCILMAN SLAGLE – I am done. Thank you very much, Mr. President.

COUNCIL PRESIDENT GAMBER – Mr. Chovan?

COUNCILMAN CHOVAN – Thank you. In addition to what you just said I mean even if we were to put this out again at a later time we're essentially coming out of this business we don't own that list anymore. So we can't really require anybody that's bought it to give it back to us at the end of a period of time. That's part of what we are actually getting out of is that list. We can go out and you know we could go out and if we decided to get back into the business again then maybe you could go out and solicit. But we can't require that.

COUNCIL PRESIDENT GAMBER – Is there anyone else? Mr. Manson, again?

COUNCILMAN MANSON – Yes, you're telling me again that we couldn't require that that is part of the contract? I'd like to ask the law director to...

COUNCILMAN CHOVAN – That’s not in the original bid...

COUNCIL PRESIDENT GAMBER – Are we finished with questions for the safety service director? Thank you, Mr. Maier. Mr. Stergios?

COUNCILMAN MANSON – I’ve got a question. Okay, let me, first of all I thought we were voting on the dollar fee for our us to be doing the collecting now then its all of sudden its switched to this. But that is my question on this if we go five years and they’re not the low bidder and it goes somewhere else is there any reason why we can’t have it part of the contract that we get copies of the routes and the... I’m sure they might want to give it to us but I don’t see where its illegal to have that in there

LAW DIRECTOR STERGIOS – We already have the list because the list is our is my understanding that the list is whoever is on city paying a sewer bill. So it may not be the customers it may be a list of every sewer hook up in the city but we already have we have that now we’ll have it then. So to say that they’ve got to give us their list I think is redundant. Its public information that’s readily available through both our current the waste billing and everybody gets a sewer bill that’s in the city you don’t have a vendor. So I mean I think we have that information so it seems to me...

COUNCILMAN MANSON – But everybody in the city pays their sewer bill to the same department. That’s not going to be so with this there’s still going to be multiple contractors in town.

LAW DIRECTOR STERGIOS – Right but the list is if we get back into the business we still have a list of every residence that gets garbage whether they get garbage picked up by us or by J&J or whoever. I don’t see why we can’t put it in there but I also don’t see why we need to because we have we may have everyone including people that don’t their garbage picked up by Massillon but if we’re going to get back in the business we’re going to solicit everybody I would that’s...

COUNCIL PRESIDENT GAMBER – Mr. Stergios, I think I just heard the answer to his question as you said you said you saw no reason why we couldn’t ask for that.

LAW DIRECTOR STERGIOS – Right, but we already passed that ordinance yes there’s no reason we couldn’t ask for it. But that’s a different today’s the dollar and the effective date is what this ordinance is about.

COUNCILMAN MANSON – And but this is the dollar for Kimble to be doing the billing now and not the city to be doing the billing.

LAW DIRECTOR STERGIOS – No, there’s no...

COUNCILMAN PETERS – There’s no dollar.

LAW DIRECTOR STERGIOS – There’s no dollar.

COUNCILMAN MANSON – What were you talking about raising the dollar though?

LAW DIRECTOR STERGIOS – We were going to charge a dollar as an administrative fee to do the billing for Kimble. So it would be \$11.31 a month plus a buck to the city. If my numbers right. Well now it will just be the resident will pay Kimble and there’s no extra dollar and the city doesn’t get that dollar.

COUNCIL PRESIDENT GAMBER – Are there any other questions for the law director? Thank you.

LAW DIRECTOR STERGIOS – Can I say something?

COUNCIL PRESIDENT GAMBER – Certainly.

LAW DIRECTOR STERGIOS – Also there was a slight it wasn't real clear when Kimble was going to start after it was passed we were told that they intended to commence January 1 and the contract just said its effective in December. But it didn't really say when they would start picking up so that was clarified also. But that's more a housekeeping than the intent was to start January 1. So...

COUNCIL PRESIDENT GAMBER – Thank you. Mr. Manson?

COUNCILMAN MANSON – That's all for now.

COUNCIL PRESIDENT GAMBER – Mr. Lewis, you have your hand up?

COUNCILMAN LEWIS – Yeah, I just wanted to state that as the law director had stated its \$11.33 I believe a month plus the dollar would have been \$12.33. Without having the city doing the billing that would put the rate back to \$11.33 that's for full service to a customer in the city or 31 whatever. So it would reduce the rate to the citizens once again by not having the city involved. It is a five year contract with up to five years of renewal options at the maximum of 3% of CPI. So that takes us all the way into about 2023 and even if we don't have this and I understand your concern Mr. Manson. However, it doesn't mean the city does not have control the city can still regulate who does business in the city and how it is done. So there would still be a few strings that we could pull in a decade from now in which the rates would most likely still be cheaper than what the city was offering up until the legislation was passed. So I still think it's a really good deal you know looking at about \$33.00 - \$34.00 a quarter for our citizens that's a lot of savings out there. I did some rough math the other day and all this is equaling over \$2 millions dollars that we're saving the citizens of Massillon. So I really don't think we need to really be concerned too much because I still a lot of savings. I guess with that said I want to leave it up to council and I would...

COUNCIL PRESIDENT GAMBER – If you could we have a hand up over here when you're finished with your comments well go to Mr. Slagle you sounded like you were wrapping up...

COUNCILMAN LEWIS – I'm done with my comment and I was about to make a motion. So if you need to do something do something.

COUNCIL PRESIDENT GAMBER – Okay, we'll go to Mr. Slagle.

COUNCILMAN SLAGLE – Mr. Maier, you probably said this but I is Kimble on board because this may alter their decision if they were under the impression they weren't going to have to bear the administrative cost.

SAFETY SERVICE DIRECTOR MAIER – No, they're on board the original bid which you eluded you did not get a copy the original bid for all the vendors was for them to do the billing. So their original bid at \$11.31 was for them to do the billing.

COUNCILMAN SLAGLE – Okay, so they're aware that this could happen and wouldn't change it at all to them.

SAFETY SERVICE DIRECTOR MAIER – Yes, they are.

COUNCILMAN SLAGLE – And where did the list come out that we that the city sent out to our residents about us partnering with them? Where did that list come from?

SAFETY SERVICE DIRECTOR MAIER – That's from Kimble. We didn't send those out.

COUNCILMAN SLAGLE – Kimble provided the list, you signed the letter and it went out to those people. So you don't know who was on that list or how they were...

SAFETY SERVICE DIRECTOR MAIER – That was probably the city trash list.

COUNCILMAN SLAGLE – Alright. Thank you.

COUNCIL PRESIDENT GAMBER – Thank you, Mr. Maier.

SAFETY SERVICE DIRECTOR MAIER – Thank you, Mr. President.

COUNCIL PRESIDENT GAMBER – Mr. Lewis.

COUNCILMAN LEWIS – Alright right with all those questions asked I would make a motion that we suspend the rules requiring three readings and move this forward for a vote.

COUNCILMAN LEWIS moved for suspension of the rules and passage, seconded by Councilman Peters.

The rules were suspended by a roll call vote of 7 yes, 2 no. Manson and Slagle voted no.

ORDINANCE NO. 108 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8 YES, 1 NO. MANSON VOTED NO.

ORDINANCE NO. 109 - 2012
REGULATIONS

BY: HEALTH, WELFARE & BLDG

Authorizing the Director of Public Service and Safety and the Mayor of the City of Massillon, Ohio, to enter into a Memorandum of Understanding with the City of Canal Fulton, for the purpose of issuing all building permits, performing all inspections and all plans review necessary relating to the permits issued, and declaring an emergency.

COUNCILWOMAN HALTER – Thank you, Mr. Gamber. We discussed this at our work session last week. I plan on suspending the rules this evening bringing this forward tonight. I will mention that in our audience tonight we have Mr. Mark Cozy that's the city manager for the City of Canal Fulton and also John Belford who's the zoning commissioner, zoning inspector. If you have any questions they would be happy to answer them for you. If not we'll go ahead and make the motion to suspend.

COUNCIL PRESIDENT GAMBER – Do we have any questions? Does anyone have any questions for the gentlemen from Canal Fulton? Mrs. Halter?

COUNCILWOMAN HALTER moved for suspension of the rules and passage, seconded by Councilwoman Scassa.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 109 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 110 - 2012

BY: PUBLIC UTILITIES COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a sixty month service agreement with Massillon Cable TV, Inc., upon award and approval of the Board of Control, on all City Government telephone lines, and declaring an emergency.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Thank you, Mr. Gamber. We discussed this at the work session we had the discussion. If there any questions I'd like to move to suspend the rules and pass this this evening.

COUNCIL PRESIDENT GAMBER – Do we have questions on the ordinance? Your motion please?

COUNCILWOMAN CUNNINGHAM-HEDDERLY moved for suspension of the rules and

passage, seconded by Councilman Chovan.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 110 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 111 - 2012
COMMITTEE

BY: RULES, COURTS & CIVIL SERVICE

Amending CHAPTER 121 “COUNCIL” of the Codified Ordinances of the City of Massillon, by deleting Section 121.02 (r) Rule 73 “Unclassified Rules”, and declaring an emergency.

COUNCILWOMAN SCASSA – First reading.

ORDINANCE NO. 111 – 2012 WAS GIVEN FIRST READING.

ORDINANCE NO. 112 - 2012
COMMITTEE

BY: RULES, COURTS & CIVIL SERVICE

Amending CHAPTER 121 “COUNCIL” of the Codified Ordinances of the City of Massillon, by enacting a new Section 121.02 (r) Rule 72 “Unclassified Rules”, and declaring an emergency.

COUNCILWOMAN SCASSA – First reading.

ORDINANCE NO. 112 – 2012 WAS GIVEN FIRST READING.

ORDINANCE NO. 113 - 2012
SAFETY

BY: STREETS, HIGHWAYS, TRAFFIC &

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with the Ohio Department of Transportation for the STA-172-6.72 Bridge Repair Project, PID 93686, and declaring an emergency.

COUNCILMAN TOWNSEND – Thank you, Mr. President. The passing of Ordinance No. 113 would allow the safety service director to sign a consent legislation with ODOT for the bridge repair project. The state has identified a need to repair this bridge. The bridge is located over State Route 21, over Tuscarawas River and the railroad. And one most important note to mention here is that there will be no city dollars expended for this project. We discussed it at the work session however if there are any questions I can call up the city engineer to answer those questions.

COUNCILMAN TOWNSEND moved for suspension of the rules and passage, seconded by Councilman Peters.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 113 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 114 - 2012
SAFETY

BY: STREETS, HIGHWAYS, TRAFFIC &

Authorizing the Director of Public Service and Safety and the Director of Law of the City of

Massillon, Ohio, to sign the Snow and Ice Removal Agreement with Tuscarawas Township, and declaring an emergency.

COUNCILMAN TOWNSEND – Thank you, Mr. President. We also discussed this at the last work session. However, since that time there has been some slight amendments to the service agreement and I would like to call up the city engineer to discuss those changes.

COUNCIL PRESIDENT GAMBER – Mr. Dylewski?

ENGINEER DYLEWSKI – Yeah, as you eluded to the township didn't have any comments back to us by the time we had this to work session last week. They had only language they wanted to add in there was regarding dispute resolution. Myself, Mr. Maier and the law director have all reviewed it and have no issues with it. We'd recommend that council amend the current agreement to this one.

COUNCIL PRESIDENT GAMBER – When you say this one which are you referring to?

ENGINEER DYLEWSKI – That's attached to the current ordinance.

COUNCIL PRESIDENT GAMBER – I emailed the revised one to council clerk this afternoon and I believe she forwarded that to the council members.

COUNCIL PRESIDENT GAMBER – Can you indicate the new language so we can make sure that we have it? On page 2 the engineer has indicated the third whereas nothing in this agreement, the fourth whereas in the event of a dispute, the fifth whereas to the extent during a performance, all the way down to the last whereas this agreement contains the entire agreement. Everyone have that one. Are there any other questions for the engineer? Thank you very much.

ENGINEER DYLEWSKI – Thank you.

COUNCIL PRESIDENT GAMBER – Mr. Townsend?

COUNCILMAN TOWNSEND moved for amendment to Ordinance No. 113 to reflect the changes in the third whereas, in the fifth and the final whereas on page 2. Seconded by Councilman Peters.

ORDINANCE NO. 114 – 2012 HAS BEEN AMENDED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT GAMBER – Mr. Townsend?

COUNCILMAN TOWNSEND moved for suspension of the rules and passage, seconded by Councilman Peters.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 114 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 115 - 2012 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

Amending CHAPTER 339 “COMMERCIAL AND HEAVY VEHICLES” of the Codified Ordinances of the City of Massillon, and enacting new Subsection 339.13 “APPLICATION FOR SPECIAL HAULING PERMIT”, and declaring an emergency.

COUNCILMAN TOWNSEND – Thank you, Mr. President. The passing of Ordinance No. 115 would simply allow the City of Massillon to create a special hauling permit within the

corporate limits of the City of Massillon. However, I would like to call the city engineer up to explain the old process that he explained at the work session so council members can kind of recall what was stated. Could you explain you said before when big hauls came through the city you got a call from the state or there was no application process.

ENGINEER DYLEWSKI – Right we had no way to track the hauls and as Mr. Maier eluded to at the work session we would get damage to polls, property and other items of city property that we had no way to know when that occurred, when these hauls were coming through town. So this gives us an avenue to not only track that but obviously issue permits. Perry Township, Stark County, other municipalities and entities do a similar permit which also the State of Ohio does. So this is basically modeled after those other entities also. So...

COUNCILMAN TOWNSEND – Thank you.

ENGINEER DYLEWSKI – Sure.

COUNCIL PRESIDENT GAMBER – Are there any questions? Thank you, Mr. oh, I'm sorry Mr. Manson?

COUNCILMAN MANSON – Yeah, this wouldn't have any bearing on any hauls that Ohio State permits going through on state highways will it? They wouldn't have to get another permit off of us to do that would they?

ENGINEER DYLEWSKI – Yeah, if they're coming through the corporation limits they do yes. That's just the same way that they're going through Perry Township or other areas in the county.

COUNCILMAN MANSON – So you're saying if they come west to east on 172 through Massillon and they have a permit from the state then they'll still have to have permit from us?

ENGINEER DYLEWSKI – Yes.

COUNCIL PRESIDENT GAMBER – Is that it Mr. Manson? (Yes) Is there anyone else with a question? Thank you.

ENGINEER DYLEWSKI – Thank you.

COUNCIL PRESIDENT GAMBER – Mr. Townsend?

COUNCILMAN TOWNSEND moved for suspension of the rules and passage, seconded by Councilman Peters.

The rules were suspended by a roll call vote of 8 yes, 1 no. Manson voted no.

ORDINANCE NO. 115 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8 YES, 1 NO. MANSON VOTED NO.

ORDINANCE NO. 116 - 2012

BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the Park Fund, 2105 Stormwater Utility Fund, ADR Fund, Safety Forces Improvement Fund and the Shearer's Foods Infrastructure Fund, for the year ending December 31, 2012, and declaring an emergency.

COUNCILMAN PETERS – I'll read through this real quick. First time I've seen them because last time I was in the dark when I read it. Well, if there's any questions we can get them answered here tonight. We did discuss them at the work session though. Hereby appropriate from the unappropriated balance of the Park Fund for the year ending December 31, 2012 the following: \$32,483.68 to an account entitled Park Equipment, \$13,000 to an account

Services & Contracts. Section 2, appropriate from the unappropriated balance of the 2105 Stormwater Utility Fund for the year ending December 31, 2012 the following: \$20,000 to an account entitled Storm Sewer Repairs, \$5,000 to an account entitled Salt Storage Structure, \$900 to an account entitled Supplies and Materials. Section 3, appropriate from the unappropriated balance of the ADR Fund for the year ending December 31, 2012 the following: \$13,485 to an account entitled salary, \$2,317 to an account entitled PERS, \$2,800 to an account entitled Hospitalization, \$227 to an account entitled Medicare. Section 4, appropriate from the unappropriated balance of the Safety Forces Improvement Fund for the year ending December 31, 2012 the following: \$5,900 to an account entitled Equipment. Section 5, appropriate from the unappropriated balance of the Shearer's Foods Infrastructure Fund for the year ending December 31, 2012 \$51.66 to an account entitled County Collection Fees.

COUNCIL PRESIDENT GAMBER – Are there any questions on any of these items? Mr. Peters?

COUNCILMAN PETERS moved for suspension of the rules and passage, seconded by Councilman Manson.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 116 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 117 - 2012 **BY: FINANCE COMMITTEE**

Making certain appropriations from the unappropriated balance of the 1206 Municipal Road Fund, for the year ending December 31, 2012, and declaring an emergency.

COUNCILMAN PETERS – Section 1 of this ordinance is just that appropriate from the unappropriated balance of the 1206 Municipal Road Fund for the year ending December 31, 2012 to the following: \$16,000 to an account entitled Services and Contracts.

COUNCIL PRESIDENT GAMBER – Are there any questions? Mr. Peters?

COUNCILMAN PETERS moved for suspension of the rules and passage, seconded by Councilman Slagle.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 117 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 118 - 2012 **BY: FINANCE COMMITTEE**

Reducing the appropriations in the TIF Service Payment Fund, Tax Increment Fund, Menards, Inc., Infrastructure Fund, Inn at University Village Fund, Faircrest Properties Infrastructure Fund, Bond Retirement Lincoln Center Fund and the OPWC Loan Payments Fund, for the year ending December 31, 2012, and declaring an emergency.

COUNCILMAN PETERS – Seven section to this ordinance I'll go through them. The appropriations are hereby reduced to the TIF Service Payment Fund for the year ending December 31, 2012 as follows: \$9,898.60 from an account entitled School District TIFs, \$4,471.39 from an account entitled Developer TIFs, \$3,276.56 to an account entitled County Collection Fees. Section 2, appropriations are hereby reduced in the Tax Increment Fund for the year ending December 31, 2012 \$3,721.56 from an account entitled Fees, \$.50 from an account entitled Debt Retirement Market Interest. Section 3, hereby reduce in the Menards Inc. Infrastructure Fund for the year ending December 31, 2012 as follows: \$290.90 from an account

entitled County Fees. Section 4, appropriations hereby reduced in the Inn at University Village Fund for the year ending December 31, 2012 as follows: \$92.04 from an account entitled County Collection Fees. Section 5, appropriations are hereby reduced in the Faircrest Properties Infrastructure Fund for the year ending December 31, 2012 as follows: \$4.51 to an account entitled Faircrest Properties Infrastructure. Section 6, the appropriations are hereby reduced in the Bond Retirement Lincoln Center Fund for the year ending December 31, 2012 as follows: \$.74 from an account entitled Phase III Interest. Section 7, the appropriations are hereby reduced in the OPWC Loan Payments Fund for the year ending December 31, 2012 as follows: \$.54 from an account entitled OPWC Principle.

COUNCIL PRESIDENT GAMBER – Thank you. Does anyone have a question on that \$.54? Any other questions? Your motion please Mr. Peters?

COUNCILMAN PETERS moved for suspension of the rules and passage, seconded by Councilman Manson.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 118 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 119 - 2012 **BY: FINANCE COMMITTEE**

Making certain transfers in the 2012 appropriations from within the Capital Improvement Fund, for the year ending December 31, 2012, and declaring an emergency.

COUNCILMAN PETERS – This hereby is to be transferred from the 2012 appropriations from within the Capital Improvement Fund for the year ending December 31, 2012 the following from Income Tax Copier \$1.00 to Siren System \$1.00 That's it.

COUNCIL PRESIDENT GAMBER – Do we have questions? Mr. Peters?

COUNCILMAN PETERS moved for suspension of the rules and passage, seconded by Councilman Slagle.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 119 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 120 - 2012 **BY: FINANCE COMMITTEE**

Authorizing the Director of Public Service and Safety and the Mayor of the City of Massillon, Ohio, to enter into a three-year contract with the Board of Trustees of Local Organized Governments in Cooperation (LOGIC) for fire dispatching services with the Regional Emergency Dispatch for the Massillon Police Department, and declaring an emergency.

COUNCILMAN PETERS – First reading.

ORDINANCE NO. 120 – 2012 WAS GIVEN FIRST READING.

ORDINANCE NO. 121 - 2012 **BY: POLICE AND FIRE COMMITTEE**

Authorizing the Mayor and the Director of Public Service and Safety to enter into the Collective Bargaining Agreement with the Massillon F.O.P. Henderson Lodge #105 Police Officers Association contract effective July 1, 2012 through June 30, 2015, and declaring an emergency.

COUNCILMAN CHOVAN – The police department just ratified their contract yesterday which is why we did not have this legislation request in by 9:00 last Wednesday so thank you for amending the agenda to let us discuss this. Director Maier may I call you up please? Last week we discussed a lot of the details of the contract what I don't remember the exact bottom line figure that you thought it would bring to the city over the period of the three years. Could you just go through briefly some of the high points and some of the changes in this just so if anybody because we didn't actually have this to read ahead of time so we could maybe think of some questions tonight. It's going to be my intent try to get this passed tonight so we want to try and get as many questions as answered.

SAFETY SERVICE DIRECTOR MAIER – Well real quickly I'll try to go through a page by page so I don't miss anything. There were number of articles that were opened up in the contract discussed. Article 26 in your contract is the health care provision the former previously in the contract there was a defined...

COUNCIL PRESIDENT GAMBER – Can you hold on just one second people are looking it up and trying to listen at the same time. Alright.

SAFETY SERVICE DIRECTOR MAIER – Okay, there was a defined benefits in the contract and much like almost identical to the firefighters contract that has been eliminated from the contract and its now a defined contribution. Mr. Koher had eluded to earlier the contribution amount for employee and the amount that the city will contribute towards per month towards healthcare for city employees. So that was voted on or passed as part of their ratification in the contract. That will save the city approximately \$89,000 a year, \$238,000 the life of the contract. Also there is an article on and I don't have the number I apologize on F.O.P. days see if I can find it for you real quick. 29 page 28 F.O.P. days much like the firefighters contract who we received a concession from the firefighters. The police officers also offered a concession in that there will be four less F.O.P. days per year for the life of this contract. So that does expire at the end of this contract so it's a true concession in the contract. Another highlight is a new article in the contract and I'm kind of jumping around because we went through a lot of this but Article 45 which is the way we calculate the number of people that are permitted off on the shift and we have a designated formula that we use in approving time off, 2 people on vacation and then depending on the number of people that are working the shift will determine whether or not how many more people can be off before the city is obligated to pay overtime. So we've limited that number and there's a potential significant savings in just calculating just one overtime shift person per shift comes up to about \$417,000 savings on the overtime. So another issue we talked about was the sick leave pay out and it was kind of an interest to the council I know and there was a news article on that issue earlier in the year. There was an agreement with the bargaining unit that although we grandfathered the folks that are in on their sick leave that they've already earned and are continuing to earn all new employees will max out at 500 hours. Right now would be almost impossible to calculate the savings on that because that's going to be down the road. But a significant savings I think we talked about they can cash out 1,360 hours currently at 100% and then any remaining hours at 40%. So the max pay out will be 500 hours you can see that there will be a significant savings there. A little savings with the lieutenants' part of the contract in that they have what they call a shift setup and we were able to get a concession from them on the amount of time they use to set their shifts up. There's about \$4,300 - \$4,500 a year savings on that. So a little savings there. That was pretty much the...

COUNCILMAN CHOVAN – You had a training thing didn't you some kind of a training...

SAFETY SERVICE DIRECTOR MAIER – Training we had roll call training there's a ten minute roll call training at the start of each shift which will be ten minutes prior to their shift. Supervisors will utilize that to inform officers and things that have been going on and help them be better prepared to go out on their shifts. We also think that will be helpful in that where there's a light call we're not holding somebody over, somebody's ready to go. We think there could be some savings although its not able to measure that right now down the road we'll be

able to measure if we're able to save on holding people over and calling people out early cause they're there ten minutes early. That will improve our efficiency and effectiveness of our police department and that we have that roll call training in place.

COUNCILMAN CHOVAN – And there are no wage increases over this three years in this contract is that correct?

SAFETY SERVICE DIRECTOR MAIER – No, there are not.

COUNCILMAN CHOVAN – That's all I have.

COUNCIL PRESIDENT GAMBER – Are there any other questions for the safety service director? Mr. Peters?

COUNCILMAN PETERS – No, mine's not for the safety service director.

COUNCIL PRESIDENT GAMBER – Are there any other questions for Mr. Maier? Thank you very much.

SAFETY SERVICE DIRECTOR MAIER – Thank you for your help.

COUNCIL PRESIDENT GAMBER – I'm sorry. Mr. Slagle?

COUNCILMAN SLAGLE – I'm sorry Mr. Maier, for years I've always heard that the minimum manning was an issue and could be an area in which discussion would be had with that was there any discussion on minimum manning?

SAFETY SERVICE DIRECTOR MAIER – There was detailed discussion on minimum manning as it relates to the police department. Quite frankly we continue to support the minimum manning with the number of officers on a shift and we paying a little bit of overtime or a good bit of overtime quite frankly for that. The minimum manning the trade off on the minimum manning was to the new Article 45 to allow us to manage the overtime that was being paid out as a result of somebody taking the day off.

COUNCILMAN SLAGLE – So basically this keeps our citizens safe but at the same time controlling the overtime?

SAFETY SERVICE DIRECTOR MAIER – Right.

COUNCILMAN SLAGLE – Okay. Thank you.

COUNCIL PRESIDENT GAMBER – Mr. Peters?

COUNCILMAN PETERS – Yeah, my only question is like I guess directed at the chairman of the police and fire committee. Because this was done and through nobody's fault cause like you said the contract was just ratified but it didn't come through the proper thing so I didn't see a legislation request who's signatures were all on the legislation the legislation request?

COUNCILMAN CHOVAN – We did them verbally today with mine, Larry and with Nancy. They're attached to this...

COUNCILMAN PETERS – I understand that but what about did the mayor sign it, safety service director sign it, did the auditor sign it?

COUNCILMAN CHOVAN – Not to my knowledge.

COUNCIL PRESIDENT GAMBER – There was no form.

COUNCILMAN PETERS – Okay.

COUNCIL PRESIDENT GAMBER – This is coming through directly from the three

members of the committee.

COUNCILMAN PETERS – I assume they're all okay with it?

COUNCIL PRESIDENT GAMBER – You may assume anything you'd like.

COUNCILMAN PETERS – Well I guess I'm going to ask them since it didn't come through the...

COUNCIL PRESIDENT GAMBER – You still have the floor.

COUNCILMAN PETERS – Okay, I'll start the auditor.

COUNCIL PRESIDENT GAMBER – Are you calling the auditor forward?

COUNCILMAN PETERS – Yeah. Would you have signed this legislation? (I would have) Okay, thank you. The mayor is next. Would you have signed the legislation? (Yes) Okay, thank you. I guess the safety service director. We already know he will but I want it on the record.

COUNCIL PRESIDENT GAMBER – Alright, he of course wouldn't have signed the form.

COUNCILMAN PETERS – Oh, he wouldn't never mind then sit back down George.

COUNCIL PRESIDENT GAMBER – Anybody else? Are you finished Mr. Peters?

COUNCILMAN PETERS – I'm finished.

COUNCIL PRESIDENT GAMBER – Are there any other questions? I see Mr. Slagle over here. Mr. Lewis?

COUNCILMAN LEWIS – I guess my only real question is what is the rush on just this. I know we haven't I haven't had a chance to read through this yet. That's my only concern. Is we've highlighted certainly points and I don't know how I feel about not about passing something I haven't even been able to read yet. So I would like the opportunity to at least read through the contract see what's in it and then make a decision.

COUNCIL PRESIDENT GAMBER – Mr. Slagle?

COUNCILMAN SLAGLE – Yeah, I agreed to put it on the agenda I did not agree to waive the requirement of three separate readings. Because I too feel like I would like before voting on it might be an exemplary contract that I'll support 100% but I haven't I mean it was handed to us this evening. I haven't had a chance to read the entire thing yet either. Although Mr. Maier has aptly told us in executive session some of the details obviously we're not permitted to take the contract with us at that time or take notes. So I'd like to again that's why I wouldn't vote to waive on this particular item.

COUNCIL PRESIDENT GAMBER – Is there anyone else with a comment or a question? Mr. Chovan?

COUNCILMAN CHOVAN – I consider your opinions I am going to ask though that we do waive the rules and requiring three readings and bring Ordinance No. 121 – 2012 forward for a vote tonight.

COUNCILMAN CHOVAN moved for suspension of the rules and passage, seconded by Councilwoman Halter.

The rules were not suspended by a roll call vote of 5 yes, 4 no. Lewis, Manson, Peters and Slagle

COUNCIL PRESIDENT GAMBER – Seven votes are required to suspend therefore this

ordinance receives first reading.

ORDINANCE NO. 121 – 2012 WAS GIVEN FIRST READING.

ORDINANCE NO. 122 - 2012

BY: FINANCE COMMITTEE

Making certain transfers in the 2012 appropriations from within the General Fund, for the year ending December 31, 2012, and declaring an emergency.

COUNCILMAN PETERS – This is 122? (Yes) Okay, this is an ordinance making certain transfers within the 2012 appropriations from within the General Fund for the year ending December 31, 2012. I'll go down through these as quickly as possible. Hereby transfers from the 2012 appropriations from within the General Fund for the year ending December 31, 2012. Council PERS - \$400.00, Mayor –Administrative Assistant Salary - \$450.00, Budget Director Salary - \$.08, Mayor PERS - \$690.00, Mayor's Medicare - \$233.00, Law Director Medicare - \$396.00, Director Salary - \$11,220.00, Clerk's Salary - \$297.00, Service Department PERS - \$2,204.00, Tax Administrator Salary - \$431.00, Income Tax PERS - \$1,272.00, Treasurer Medicare - \$19.00, Fire Medicare - \$6,000.00, Engineer Salary - \$346.00, Engineer PERS - \$322.00, Janitor Salary - \$28.00, City Hall PERS - \$344.00, City Hall Medicare - \$24.00, Building Salary - \$183.00, Building Department PERS - \$1,233.00, Building Department Medicare - \$22.00, Street Medicare - \$505.00, Health Salary - \$881.00, Health PERS - \$1,659.00 to accounts entitled Services & Contracts \$1,500.00, Council Salary - \$2,645.00, Hospital/Eye & Dental - \$133.00, Income Tax Salary - \$480.00, Treasurer PERS - \$65.00, Street Lighting - \$9,975.10, City, State Collection Fees - \$5,420.00, Police Clerks Salary - \$5,340.98. That's it.

COUNCIL PRESIDENT GAMBER – Do we have any questions? Mr. Slagle?

COUNCILMAN SLAGLE – These are just the same scrubbing we were doing last week I gather?

COUNCILMAN PETERS – Yep, just like we were in the dark scrubbing away.

COUNCIL PRESIDENT GAMBER – Mr. Peters?

COUNCILMAN PETERS moved for suspension of the rules and passage, seconded by Councilman Manson.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 122 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

RESOLUTION NO. 19 - 2012
COMMITTEE

BY: COMMUNITY DEVELOPMENT

Reversing the decision of the Massillon Historic Preservation Commission made on August 8, 2012 and again on September 13, 2012 wherein the Historic Preservation Commission denied a request for a Certificate of Approval from the Visconsi Companies Ltd., and declaring an emergency.

COUNCILMAN MANSON – I'm going to give this first reading but also want to say well I guess I can wait until we get to the reports. First reading.

RESOLUTION NO. 19 – 2012 WAS GIVEN FIRST READING.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM THE OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM PATRICK W BAGLEY DBA OLD TIMERS BAR & GRIDDLE 1316 TREMONT AVE SW 1ST FL & PATIO MASSILLON OHIO 44647 TO OLD TIMERS BAR & GRIDDLE LLC 1316 TREMONT AVE SW 1ST FL & PATIO MASSILLON OHIO 44647

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM PFS & SONS LLC DBA FILL & GO 720 LINCOLN WAY E MASSILLON OHIO 44646 TO NOOREKLASS LLC DBA FILL & GO 720 LINOCLN WAY E MASSILLON OHIO 44646

COUNCIL PRESIDENT GAMBER – We have several letters regarding transfer of liquor licenses.

9. BILLS, ACCOUNTS AND CLAIMS

A). REPOSITORY - \$431.81

COUNCIL PRESIDENT GAMBER – Mr. Peters?

COUNCILMAN PETERS – I'd like to make a motion that we pay the bill, seconded by Councilman Slagle.

Roll call vote of 9 yes to pay the bill.

10. REPORTS FROM CITY OFFICIALS

A). AUDITOR SUBMITS MONTHLY REPORT FOR OCTOBER 2012 B COPY FILE
B). MAYOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 2012 – COPY FILE.

COUNCIL PRESIDENT GAMBER – We also have a report from the auditor we need a motion to accept Mr. Peters.

COUNCILMAN PETERS – I move that we accept the auditor's report for October 2012, seconded by Councilman Slagle.

Roll call vote of 9 yes to accept the auditor's report for October 2012.

COUNCIL PRESIDENT GAMBER – You also have a copy of the mayor's monthly report for September.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER – Regarding the committee session they will be Tuesday the 13th.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT GAMBER – Are there any committee reports or resolutions or requests from council members. Mr. Slagle?

COUNCILMAN SLAGLE – The rec. board meeting is this Thursday at 3:00pm at the Rec. Center. I mean I'm sorry 6:00pm.

COUNCIL PRESIDENT GAMBER – Mr. Manson?

COUNCILMAN MANSON – Yes, next Monday's meeting I intend to have Visconsi down

here again or Tuesday I'm sorry. So if you have any questions please bring them with you about the you know the ruling from the Historical Preservation Committee. Also I want to say again if there's anybody out there that knows of anybody else that's interested in those properties down there please get the word out or whatever to them so they can contact us. I think Visconsi would listen to anything not saying they would agree with but they'll probably listen to anything. So...

COUNCIL PRESIDENT GAMBER – Mr. Peters?

COUNCILMAN PETERS – Yes, I as Council Pro Tem and chairman of the finance committee I'd like to publicly apologize to our council reporter Mr. Rink. You know last week we were in the work session and in the dark because of the storm and I'm not making excuses and we kind of everybody was kind of in a hurry to get out of here because we were in the dark and so forth. I personally neglected to notify the press of our meeting tonight on the finance committee. I had forgotten that Mr. Rink wasn't in attendance at that time. I didn't make the effort to call and tell him so it's my fault and I will openly admit that. But it won't happen again.

13. CALL OF THE CALENDAR – TABLED FROM OCTOBER 1, 2012

ORDINANCE NO. 97 - 2012

BY: FINANCE COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to submit an application for funding to Ohio EPA's Water Pollution Control Loan Fund (WPCLF) and execute any necessary documents for upgrade to the Wastewater Treatment Plant, and declaring an emergency.

COUNCILMAN PETERS – I forget what we were going to do with this. This is call of the calendar.

COUNCIL PRESIDENT GAMBER – It was tabled in October.

COUNCILMAN MANSON – We had a different proposal amount.

COUNCILMAN PETERS – Yeah.

COUNCILMAN MANSON – You know they add the nitrogen to the...

COUNCIL PRESIDENT GAMBER – Would you like to call on Mr. Manson?

COUNCILMAN PETERS – I'll yield the floor to Mr. Manson, yeah.

COUNCIL PRESIDENT GAMBER – Mr. Manson?

COUNCILMAN MANSON – I was kind of surprised that we got that you know that proposal from them like we did. I think maybe it needs a little consideration so maybe you won't be here to discuss it though maybe we should table that for a meeting or two. Do we have a deadline no, I'm sorry never mind take it all back. I'm willing to approve what they gave us.

COUNCIL PRESIDENT GAMBER – Would you like to call someone from the administration forward?

COUNCILMAN PETERS – Yeah, Keith.

COUNCIL PRESIDENT GAMBER – Mr. Dylewski?

ENGINEER DYLEWSKI – Mr. Peters?

COUNCILMAN PETERS – Don't ask me I just was listening to Mr. Slagle he'll have the

questions.

COUNCILMAN SLAGLE – Mr. Dylewski, I understand there's a deadline that we need to comply with in order to get this process started. But it really doesn't affect the actual numbers underneath or in the underlying proposal out at the Wastewater Treatment Plant. Is that correct?

ENGINEER DYLEWSKI – That's correct November 8th is the deadline and as you referred to you know this is the first step in the whole process and this is all it's a preliminary number at this point. We obviously still have to do still have to do final design which a final construction estimate will be generated at that time. Then obviously once we bid the project out that's what the actual construction cost would be. So yes.

COUNCILMAN SLAGLE – Okay, what number do we actually have to have even a number right now in terms of making the application by November 8th?

ENGINEER DYLEWSKI – Yes, we will put that number in and as you know obviously council was debating whether they wanted to the nitrogen removal included or not.

COUNCILMAN SLAGLE – Which number should we go with in the larger of the two and then we can always reduce rather than add?

ENGINEER DYLEWSKI – That's correct.

COUNCILMAN SLAGLE – Okay.

COUNCIL PRESIDENT GAMBER – Mr. Peters?

COUNCILMAN PETERS – And I apologize because you did explain to me really it's not even about the money right now but we need to approve this to get the first step started. Am I correct? (That's correct) And we can do whatever we want after that first step and we can then we can come to the money part right? (Sure, yes that's correct) Okay.

COUNCIL PRESIDENT GAMBER – Are there any other questions for the engineer? Thank you, Mr. Dylewski. Mr. Manson?

COUNCILMAN MANSON – Our original ordinance said \$18 million and the new one says \$23 million we probably need to change that.

COUNCIL PRESIDENT GAMBER – When you say the new one the new one what?

COUNCILMAN MANSON – Well, we had a new proposal while you were in Hawaii vacating. But we asked them to go back and look at putting the nitrogen into the Wastewater Treatment Plant. They brought it back last week.

COUNCIL PRESIDENT GAMBER – This is from the finance committee Mr. Peters, what would you like to do here?

COUNCILMAN PETERS – Well, I would I guess I would like to amend the amount...

COUNCIL PRESIDENT GAMBER – Don't make your motion yet we're just asking in general.

COUNCILMAN PETERS – I would like to amend the amount and then I'd like to pass this tonight in order so we can get this thing rolling.

COUNCIL PRESIDENT GAMBER – Alright, in section 2 it says the current preliminary construction estimate is \$18 million dollars that's the number you would like to change? (Yes) And what would you like to change it to?

COUNCILMAN PETERS – He's got the numbers in front of him.

COUNCILMAN MANSON – It says total construction cost is \$19,701,630.00 I'll say it again \$19,701,630.00. Says total construction cost and then there's the administration legal fees on top of that I don't know if that has to be part of this or not.

COUNCILMAN PETERS – Well, we've already had discussion on it. I mean we did that Monday. I mean...

COUNCIL PRESIDENT GAMBER – Well that's what I'm asking you what would you like to do?

COUNCILMAN PETERS – I just want to I want to make a motion to amend it.

COUNCIL PRESIDENT GAMBER – Alright, go ahead and make your motion. Mr. Manson?

COUNCILMAN MANSON – I just talked to the engineer and he said the administration and legal fees should be in there. So I gave you the ...

COUNCIL PRESIDENT GAMBER – Would you like a few minutes to work on this?

COUNCILMAN PETERS – No, it's that first figure I gave you and he'll give it to you.

COUNCILMAN MANSON – The \$19 million is the construction cost and then there's \$3,940,326.00, \$3,940,326.00 administrative and legal engineering fees.

COUNCIL PRESIDENT GAMBER – Alright, when you come up with a number Mr. Peters give us the number.

COUNCILMAN MANSON – The total figure is \$23,641,956.00.

COUNCILMAN PETERS – That's the figure.

COUNCIL PRESIDENT GAMBER – Right that down and make your motion with that number please.

COUNCILMAN PETERS moved to amend Ordinance No. 97 – 2012 to replace the total project cost to \$23,641,956.00, seconded by Councilman Manson.

Roll call vote of 9 yes for the amendment.

ORDINANCE NO. 97 – 2012 WAS AMENDED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT GAMBER – It is amended we're now back at first reading.

COUNCILMAN PETERS moved for suspension of the rules and passage, seconded by Councilman Slagle.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 97 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

14. THIRD READING ORDINANCES AND RESOLUTIONS

15. SECOND READING ORDINANCES AND RESOLUTIONS

16. NEW AND MISCELLANEOUS BUSINESS

17. REMARKS OF DELEGATIONS AND CITIZENS TO ITEMS NOT ON THE AGENDA

18. ADJOURNMENT

COUNCILMAN SLAGLE – I move that we adjourn, seconded by all.

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT



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